

REMARKS

Amendments to the Claims

Claims 27, 30-40, 43-49, 51, and 52 are pending and under current examination.

Applicants have amended independent claims 27, 40, 51, and 52. Support for the amendments to claims 27, 40, 51, and 52 can be found in the specification at, for example, p. 6, lines 11-13 and 20-32. No new matter has been introduced.

Final Office Action and Advisory Action

Applicants respectfully traverse the rejections in the Final Office Action, as reiterated in the Advisory Action, wherein the Examiner:

(a) rejected claims 27, 30-35¹, 38-40, 43-46, 49, 51, and 52 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,510,145 B1 ("Kim") in view of Canadian Patent Application No. 2 330 707 ("Wojtowicz") and further in view of U.S. Patent No. 6,437,786 B1 ("Yasukawa"); and

(b) rejected claims 36, 37, 47, and 48 under 35 U.S.C. § 103(a) as being unpatentable over Kim in view Wojtowicz and Yasukawa, and in further view of "Official Notice."

Rejection of Claims 27, 30-35, 38-40, 43-46, 49, 51, and 52 under 35 U.S.C. § 103(a)

Applicants request reconsideration and withdrawal of the rejection of claims 27, 30-35, 38-40, 43-46, 49, 51, and 52 under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Wojtowicz and in further view of Yasukawa.

The Final Office Action has not properly resolved the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective obviousness analysis. See M.P.E.P. § 2141(II), citing to *Graham v. John*

¹ The Final Office Action mistakenly included claims 28 and 29 in this rejection because Applicants previously cancelled these claims.

Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

In particular, the Final Office Action has not properly determined the scope and content of the prior art. Kim, Wojtowicz, and Yasukawa, whether taken alone or in any combination, do not teach or suggest what the Final Office Action attributes to them. In addition, the Final Office Action has not properly ascertained the differences between the claimed invention and the prior art, at least because the Final Office Action has not interpreted the prior art and considered both the invention and the prior art as a whole. See M.P.E.P. § 2141(II)(B).

Amended independent claim 27 recites, in part, the following elements:

generating at least one delivery packet containing the multimedia service contents and further containing a corresponding service logic, which includes a presentation logic, defining how the multimedia service contents are presented at the at least one terminal, and an interaction logic, defining how a user accesses the multimedia service contents at the at least one terminal.

Kim, Wojtowicz, and Yasukawa, whether taken alone or in any combination, do not teach or suggest at least Applicants' claimed "delivery packet," which contains both "multimedia service contents" and a "corresponding service logic," wherein the "corresponding service logic" includes "includes a presentation logic, defining how the multimedia service contents are presented at the at least one terminal, and an interaction logic, defining how a user accesses the multimedia service contents at the at least one terminal," as recited in amended claim 27.

For the same reasons presented in the Request for Reconsideration after Final filed on April 1, 2010, which are incorporated herein by reference, Kim and Wojtowicz, whether taken alone or in combination, do not teach or suggest "generating at least one

delivery packet containing the multimedia service contents and further containing a corresponding service logic, which includes a presentation logic, defining how the multimedia service contents are presented at the at least one terminal, and an interaction logic, defining how a user accesses the multimedia service contents at the at least one terminal,” as recited in claim 27.

While admitting that “Wojtowicz does not explicitly teach service logic defining how the multimedia service contents are presented at the at least one terminal,” the Final Office Action alleges that Yasukawa’s image controlling data constitutes “service logic” recited in claim 27. See Final Office Action, p. 4. In addition, in the Advisory Action mailed April 19, 2010, the Examiner alleges that that Yasukawa’s image controlling data, disclosed at col. 2, line 43 to col. 3, line 15, corresponds to the claimed “service logic” in independent claim 27. See Advisory Action, Continuation Sheet. Yasukawa’s image controlling data, however, at least does not include “an interaction logic, defining how a user accesses the multimedia service contents at the at least one terminal,” as recited in amended claim 27. Therefore, Yasukawa does not teach or suggest, among other things, “generating at least one delivery packet containing the multimedia service contents and further containing a corresponding service logic, which includes a presentation logic, defining how the multimedia service contents are presented at the at least one terminal, and an interaction logic, defining how a user accesses the multimedia service contents at the at least one terminal,” as recited in claim 27. Accordingly, Yasukawa fails to cure the deficiencies of Kim and Wojtowicz.

For at least the foregoing reasons, Kim, Wojtowicz, and Yasukawa, whether taken alone or in any combination, do not teach or suggest each and every feature of amended independent claim 27. Amended independent claim 27 is thus nonobvious

over the cited references, and should be allowable. Although of different scope, independent claims 40, 51, and 52, as amended, recite features similar to those discussed above in connection with amended independent claim 27. Thus, amended independent claims 40, 51, and 52 should also be allowable for at least the same reasons discussed above with respect to claim 27. Dependent claims 30-35, 38, 39, 43-46, and 49 should also be allowable at least by virtue of their respective dependence from nonobvious base claim 27 or 40, and because they recite additional features not taught or suggested by the cited references. Accordingly, Applicants request reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection.

Rejection of Claims 36, 37, 47, and 48 under 35 U.S.C. § 103(a)

Applicants request reconsideration and withdrawal of the rejection of claims 36, 37, 47, and 48 under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Wojtowicz and Yasukawa, and in further view of "Official Notice." As discussed in the previous section, amended independent claims 27 and 40 are nonobvious over the cited references, at least because the Final Office Action has neither properly determined the scope and content of the prior art, nor properly ascertained the differences between the prior art and the claimed invention. The addition of the Final Office Action's Official Notice as to dependent claims 36, 37, 47, and 48 does not alter the reasoning presented in the previous section as to the independent claims.

Therefore, Applicants' independent claims 27 and 40 are not obvious over the cited references in view of Kim, Wojtowicz, Yasukawa, and Official Notice, taken alone or in any combination. Dependent claims 36, 37, 47 and 48 should be allowable at least by virtue of their respective dependence from base claim 27 or 40, and because they

recite additional features not taught or suggested by the cited references. Accordingly, Applicants request reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection.

Conclusion

Applicants request reconsideration of the application and withdrawal of the rejections. Pending claims 27, 30-40, 43-49, 51, and 52 are in condition for allowance, and Applicants request a favorable action.

The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 30, 2010

By: 

David M. Longo
Reg. No. 53,235

/direct telephone: (571) 203-2763/